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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WALTER DUFFY, an individual; ANA DUFFY, an individual; SALLY DURON, an individual; HONESTO DE LA CRUZ, an individual; EMILY DE LA CRUZ, an individual; WILLIAM FENRICH, an individual; SUVAREE FENRICH, an individual; VICTOR MCGEE, an individual; ANGELA MCGEE, an individual; MARIGOLD FLOWERS, an individual; CHARMEL GOODLOE, an individual; ALONDRE SMITH, an individual; TERRANCE EMTER, an individual; MARY EMTER, an individual; GERARDO RODRIGUEZ, an individual; YESSANIA RODRIGUEZ, an individual; CALVIN MORRISON, an individual; SANDRA MORRISON, an individual; ROBBIE FRANKLIN, an individual; JULIE HAPE, an individual; BARBARA JOHNSON, an individual; HENRY MAXWELL, an individual; CAROL MAXWELL, an individual; JOHN CAPUTO, an individual; SANDRA GERSTNER, an individual; DEE TERRELL, an individual; MAE TERRELL, an individual; RONALD ARNOLD, an individual; CYNTHIA ARNOLD, an individual; ROGER WORKMAN, an individual; BRENDA WORKMAN, an individual; JAMES GRASSE, an individual; REBECCA GRASSE, an individual; PAUL SILVERMAN, an individual; and JUDITH SILVERMAN, an individual,

Plaintiffs

vs.

CASE NO.: 2:21-cv-01680-CDS-DJA

**STIPULATION AND ORDER TO
 DISMISS CERTAIN
 PLAINTIFFS' (TERRANCE
 EMTER AND MARY EMTER)
 FROM THIS LITIGATION *WITH
 PREJUDICE***

ASNY NY, LLC, a Nevada limited liability company; THE ASNY COMPANY, LLC, a Delaware limited liability company; TAHITI VILLAGE VACATION CLUB, a Nevada corporation; TAHITI VILLAGE MASTER OWNERS' ASSOCIATION, a Nevada corporation; CLUB DE SOLEIL VACATION CLUB, a Nevada corporation; SOLEIL MANAGEMENT, LLC, a Nevada limited liability company; a Nevada Limited Liability Company; Roes and Does

Defendants

Certain Plaintiffs Terrance Emter and Mary Emter, and Defendants, by and through their respective attorneys of record, hereby enter into the following *Stipulation and Order*.

RECITALS

A. On June 1, 2023, Certain Moving Plaintiffs filed their CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 90.

B. On June 28, 2023, Certain Moving Plaintiffs' CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a) was denied *without prejudice*. *See* ECF No. 95.

C. On July 6, 2023, Certain Moving Plaintiff's refiled their CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 96.

D. Neither Terrance Emter nor Mary Emter were included as a 'Moving Plaintiff' in the CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP 15(a). *See* ECF No. 96.

E. On July 20, 2023, the Court issued an Order Granting Certain Plaintiff's Motion for Voluntary Dismissal. *See* ECF No. 100.

F. On July 21, 2023, the law firm of Albright, Stoddard, Warnick, and Albright (ASWA) received a phone call from Mary Emter, who requested that both her and her husband, Terrance Emter, be dismissed from this litigation with prejudice.

STIPULATION

1
2 1. Defendants hereby stipulate and agree to dismiss Certain Plaintiffs' TERRANCE
3 EMTER and MARY EMTER as Plaintiffs in this litigation *with prejudice*.

4 2. Defendants hereby stipulate and agree that Certain Plaintiff's TERRANCE EMTER
5 and MARY EMTER's dismissal *with prejudice* shall be under the same terms and conditions as that
6 of the Moving Plaintiffs in the CONDITIONAL MOTION FOR VOLUNTARY DISMISSAL
7 PURSUANT TO FRCP 41(a)(2) AND TO AMEND THE PLEADINGS PURSUANT TO FRCP
8 15(a). *See* ECF No. 96.

9 3. The law firm of Albright, Stoddard, Warnick, and Albright hereby stipulates and
10 agrees to remove TERRANCE EMTER and MARY EMTER from the caption of the third-amended
11 complaint that the Court has ordered due by August 9, 2023. *See* ECF No. 100.

12 DATED this 31st day of July, 2023.

13 **ALBRIGHT, STODDARD, WARNICK
14 & ALBRIGHT**

15 /s/ Kyle W. Fenton, Esq.
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19
20 **ORDER**

21 IT IS SO ORDERED.

22
23 
24 Cristina D. Silva
United States District Judge

25 Dated: July 31, 2023